

**SENATE . . . . . No. 256**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Cynthia Stone Creem***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act to promote student nutrition.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/23/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/29/2019</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/30/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/30/2019</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>1/30/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2019</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/1/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/1/2019</i>

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 256) of Cynthia Stone Creem, Andres X. Vargas, Mary S. Keefe, James B. Eldridge and other members of the General Court for legislation to promote student nutrition. Education.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2390 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act to promote student nutrition.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1: Chapter 72 of the General Laws, as appearing in the 2016 Official Edition,  
2 is hereby amended by inserting the following new section:

3           Section 72A: School Nutrition and Meal Debt

4           Section 1 It is hereby declared to be the policy of the commonwealth to encourage all  
5 school committees and school districts to adopt as a policy (i) the promotion of access to healthy  
6 meals for all students, (ii) maximization of federal reimbursement for said meals and (iii) the  
7 reduction in school meal debt by school districts and families.

8           Section 2. School districts that elect to waive the reduced-price fee for breakfast and  
9 lunch for families who qualify for reduced-price status may request and shall receive

10 reimbursement from the department of elementary and secondary education for said co-payment;  
11 provided school districts that receive reimbursements shall offer to assist families with either an  
12 application for federal supplemental nutrition assistance program benefits or a direct referral to  
13 an outreach partner identified by the department of transitional assistance or department of  
14 elementary and secondary education.

15 Section 3: School districts shall qualify a student for free meal status if said child is a)  
16 under the legal custody or guardianship of a grandparent or other non-parent relative, b) a child  
17 with disabilities who receives Supplemental Security Income benefits pursuant to 42 U.S.C.  
18 1382, or c) a child with special needs who was formerly in foster care and whose caregivers now  
19 receive assistance under Title IV B or IVE guardianship or adoption assistance pursuant to 42  
20 U.S.C.621.

21 The department of elementary and secondary education shall reimburse school districts  
22 for costs incurred under this section . The department shall take reasonable steps to determine  
23 whether such children qualify for direct certification of free school meals under 42 U.S.C. 1758  
24 (b) (5), including children in receipt of MassHealth benefits in accordance with Chapter 118E of  
25 the General Laws.

26 Section 4: School districts and individual schools with sixty percent or more identified  
27 student percentage, as defined by 7 C.F.R . 245.9(f), shall be required to elect and implement the  
28 federal Community Eligibility Provision or Provision 2 to provide universal free school breakfast  
29 and lunch to all students. This provision may be waived if the district is able to justify to the  
30 department that implementation will incur financial hardship to the district.

31 High poverty school districts and individual schools with forty percent or more identified  
32 student percentage, as defined by 7 C.F.R . 245.9(f), shall be required to elect and implement the  
33 federal community eligibility option or Provision 2 to provide universal free breakfast and lunch  
34 to all students unless the district school board votes before June 1 of the first year of eligibility to  
35 not participate in one of the federal options, or the department determines that the school district  
36 and/or individual schools no longer have the requisite qualifying percentage. A school nutrition  
37 director or designee shall be required to attend at least one training by the department to learn  
38 about community eligibility provision available to said district before the vote taken by the  
39 school committee.

40 Section 5: A school district superintendent or designee shall notify a parent or guardian  
41 of the negative balance of a student’s school meal account no later than ten days after the  
42 student’s meal account has reached a negative balance of five meals.

43 The notice shall include information on how to apply for free or reduced-price meal  
44 status and basic information on how the family can apply for supplemental nutrition assistance  
45 program through the department of transitional assistance or through an outreach partner  
46 including Project Bread.

47 Any school or school district communications about amounts owed for meals previously  
48 served to a student must be directed to the student’s parent or guardian.

49 School districts should ensure that any information provided to families about the  
50 availability of school meals includes clear information that families can apply for free or  
51 reduced-price meal status at any time during the school year.

52 A school district or agent of said district shall not inform the Department of Children and  
53 Families of unpaid meal debt.

54 Section 6: School districts that participate in the national school lunch program shall take  
55 steps to maximize federal revenues and minimize debt on families by, at least monthly, taking  
56 steps to directly certify students for free school meal status under protocol determined by the  
57 department. The department shall continue to offer assistance to districts to improve the direct  
58 certification process and reduce administrative burdens on said districts. The department shall  
59 also consult with representatives from the school nutrition association and other appropriate  
60 stakeholders to advise the department on best practices to maximize direct certification.

61 Section 7: Within 30 days of sending a notification to a family about unpaid meal debt  
62 that remains unresolved, the school district shall attempt to exhaust all options to directly certify  
63 the student as categorically eligible for free or reduced-price meals. Within these 30 days, while  
64 the school district is attempting to directly certify the student for free or reduced-price meals, the  
65 student may not be denied access to a school meal until the district has made a determination that  
66 the family is neither free nor reduced-price meal eligible.

67 The school district is also encouraged to exercise its discretion under title 7, section  
68 245.6(d) of the code of federal regulations to complete a school meal application for a student in  
69 need.

70 Section 8: (1) No employee, agent, or volunteer of a school or school district may:

71 (a) Take any action that would publicly identify a student when payment has not been  
72 received for a school meal or for meals previously served to the student;

73           (b) Serve a student with unpaid meal debt an alternative meal that is not also available to  
74 all students at the cafeteria, provided said alternative meal complies with the pattern for a  
75 federally reimbursable meal;

76           (c) Deny a student a meal as a form of behavioral discipline or punishment for bad  
77 behavior;

78           (d) Dispose of an already served meal because of the student's lack of funds to pay for  
79 the meal or because of unresolved meal debt;

80           (e) Prohibit a student or a sibling of a student from attending or participating in non-fee  
81 based extracurricular activities, field trips or school events solely because of the student's  
82 unresolved meal debt, nor prohibit a student from receiving grades, official transcripts, report  
83 cards or graduation solely because of unresolved meal debt;

84           (f) Require a parent or guardian to pay fees or costs in excess of the actual amounts owed  
85 for meals previously served to the student.